IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2699 OF 2004

Chitranjan Kumar Dak. .. .. Petitioner

V/s.

President & Council,
The Institute of Company Secretaries
of India & another. .. .. Respondents

Petitioner in person.

Mr.G.V. Aiman for Respondent No.1.

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

DATED : 29TH OCTOBER 2004

P.C. :

. We have heard the Petitioner in person and the learned Counsel appearing for Respondent No.1.

2. The Petitioner has filed the present Petition praying that his Answer Books of the Company Secretary Final Group II Examination be re-checked and re-evaluated.

3. It is pertinent to note that the

Petitioner in Ground (a) of the Petition has stated as follows:-

> " That the Respondent Institute has failed to withhold the result of Petitioner despite of the fact of writing an identification marks in all three answer books knowingly so as to verify the bonafide of examiner apart from writing Roll no. on coloured slip in June 2002. The same thing repeated again in June 2004 in which Petitioner declared failed. Though said violation of instruction No.10 was made by the Petitioner intentionally in order to ascertain the loopholes, yet declaration of result creates doubts about fair observation and evaluation of answer paper. "

In fact, the Petitioner is guilty of misconduct. We were not entertaining the Petition, but to satisfy our conscience, we requested the learned Counsel appearing for Respondent No.1-President & Council of the Institute of Company Secretaries of India, to get the Answer Books of the Petitioner re-evaluated by a third independent examiner. On

our request, he got the Answer Books re-evaluated by a third independent examiner. However, on re-evaluation of the Petitioner's Answer Books by a third independent examiner, it is found that in the paper of Corporate Laws and Practice-III, he initially got 40 marks, but on re-evaluation by a third examiner, the marks are reduced from 40 to 31, whereas in the paper of Corporate Laws and Practice-I, the marks are increased from 36 to 42 and in the paper of Corporate Law and Practice-II, the marks of the Petitioner are increased from 37 to 41. Some variation is bound to take place when the third examiner examined the papers.

4. In our considered opinion, this is a totally frivolous Petition and it deserves to be dismissed. We order accordingly.

CHIEF JUSTICE

DR.D.Y. CHANDRACHUD, J.